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C O N F I D E N T I A L SECTION 01 OF 03 DHAKA 001313

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TAGS: [KCRM](#) [PTER](#) [PGOV](#) [PREL](#) [BG](#) [BG](#)
SUBJECT: KIBRIA CASE UPDATE

REF: A. DHAKA 0810
[1](#)B. DHAKA 0917

Classified By: P/E Counselor D.C. McCullough, reason 1.4 d.

[1](#)1. (C) Summary. Late March 22 the BDG passed us the confession statements and the inter-agency commission's report on the Kibria attack to pave the way for A/Legatt's meeting with the suspects, perhaps as early as next week. Police say they have completed the murder portion of the case but still want FBI help in tracing the origins of the grenade used in the attack. End Summary.

[1](#)2. (SBU) On March 21, A/Legatt Trung Vu, P/E counselor, RSO, and Conoff met for two hours at the Ministry of Home Affairs with Joint Secretary Mohammed Muhsin, DIG (Crime) ABM Bazlur Rahman, DIG (CID) Mohammed Shamsul Islam, Sylhet DIG AKM Mahfuzul Haque, MHA Legal Adviser Khan Saifur Rahman, and MFA Americas DG Shameem Ahsan. The Sylhet DIG, who chaired the inter-agency commission that probed the Kibria killing, and the legal adviser were new and energetic participants in this, our third meeting with MHA on possible FBI involvement in the Kibria case.

Update

[1](#)3. (C) The BDG officials stated:

-- Ten persons, all from Habiganj and most of them BNP affiliated, conceived, planned, and executed the assassination of Awami League (AL) leader Shah Kibria to enhance BNP parliamentary prospects in this strong Awami League area. Eight of the suspects are in custody, including the alleged ringleader, Habiganj district BNP vice-president AKM Abdul Quaiyum, and the alleged thrower of the grenade, Joinal Abedin Mumin. Four of the arrestees, including Mumin, have made confessions to the magistrate.

-- Mumin was promised the taka equivalent of about 830 dollars for his role. He received 15,000 taka in advance but was arrested before he could collect the balance. He quickly confessed due to his acute emotional stress resulting from the fact that the casualties from the grenade he threw included his elder brother and brother in law.

-- There is no question of a coerced confession since the magistrate meets alone with the suspect and asks him four times whether the confession is truthful and complete.

-- There is no estimate on the total cost of the operation.

-- When police froze Quaiyum's bank accounts, they discovered large sums he had apparently collected on behalf of a local cultural organization. Police also found posters Quaiyum had already printed for his campaign for parliament.

-- Quaiyum has not been brought to a magistrate because, as a former magistrate himself, he knows the dire implications of a confession. (Note: On March 20, the High Court, in response to a habeas corpus writ filed by Quaiyum's wife, instructed the BDG to explain in two weeks why Quaiyum should not be produced before the court to determine the legality of his detention. Mrs. Quaiyum charged that neither she nor Quaiyum's lawyer have had access to him since his arrest. DIG Haque told us she had spoken to her husband by phone soon after his arrest.)

-- A MHA committee will decide where the case will be tried, but they expect that a "sensational" case like this will be referred to a speedy tribunal. Bail in cases like this is unlikely.

-- Police have talked to a total of 45 witnesses, including 16 primary.

-- The murder investigation is closed, but the investigation of the grenade used in the attack continues.

-- Since the two absconding suspects, involved with the planning of the attack, may have fled the country, police will pursue an Interpol arrest warrant.

[1](#)4. (C) Asked about reports that a Dhaka-based "mastermind" might be behind the attack, DIG Haque said "so far" the mastermind is Quaiyum. None of the suspects, he said, has

indicated any involvement beyond Quaiyum. Muhsin downplayed mastermind speculation as a media fancy. Asked if police had found any indication of AL involvement in the attack, Haque replied, "No." Muhsin interjected that police had not pursued that angle because of their emphasis on finding the attackers.

15. (SBU) Asma Kibria, widow of the slain AL leader, has again rejected the police investigation of her husband's killers as incomplete. "I didn't see the investigation report," she told reporters on March 20. "The chargesheet on the basis of that investigation must be complete and partial." She reiterated her call for an FBI investigation to unravel the "true story" about who actually instigated the attack.

Next Steps

16. (C) The FBI help now desired, the BDG officials said, is tracing the origin of the Arges grenade used in the Kibria attack, in part because, they noted, Arges grenades have been used in several recent incidents in Bangladesh. They confirmed that they have no serial or lot number of the grenade, only recovered fragments. Asked if it was true that the Bangladesh army used Arges grenades, they asserted that they understood, from press reports, that the army had dropped the Arges from its inventory in the early 1990s and had destroyed remaining stockpiles. Police have not, however, raised this matter with the army.

17. (C) P/E counselor noted that the Ambassador and Home Secretary Farooq had agreed last week that Agent Vu and an

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interpreter (the Bangla-speaking conoff present at the meeting) could interview the suspects in Habiganj. To prepare for the interviews, it would be helpful if the BDG could provide Agent Vu with copies of the confessions, any other case documents, and the report recently submitted by DIG Haque's commission. For the sake of time, hand-written Bangla documents were fine. Muhsin, clearly uncomfortable with the request, ended up calling a brief recess to consult with his colleagues. When they returned, he accepted in principle both the interviews and the request for documentation.

18. (C) After considerable back and forth among Muhsin and the forward-leaning legal adviser, it was agreed that:

-- Vu's interviews would have the status of a regular prison visit but no other legal standing. Any information of value to emerge would be referred to the police for appropriate follow-up. After the suspects are transferred from police remand to Habiganj prison on March 23, Vu's visit would require the concurrence of prison officials and perhaps the magistrate.

-- The requested documents could be provided immediately on an informal or confidential basis. Getting court certified copies of the documents would take weeks.

-- At issue are four two-page confessions and a 20-page commission report, plus about 100 pages of annexes. There are no written records of the interrogation.

-- Muhsin would be in touch with us March 22 to advise whether, based on consultation with seniors, he'd be available to provide the documents informally.

BDG Delivers

19. (C) On March 22, Foreign Policy Adviser Reaz Rahman called the Ambassador to reiterate PM Zia's assurances that Agent Vu would have full BDG cooperation, including access to all reports and people and support for his travel to Habiganj to interview suspects. The BDG's only request, he said, was that any subsequent press releases on the FBI role in the case would be developed jointly by those persons participating in bilateral meetings. The Ambassador agreed, adding that the Embassy had issued its own release on March 21 (before the meeting at MHA) to correct inaccurate reports on the FBI's role appearing in the local media.

10. (C) MHA Joint Secretary Muhsin subsequently called P/E counselor to invite him to collect the requested documents later at MHA. When P/E counselor met with Muhsin that evening to collect the documents, Muhsin stressed the confidentiality of the documents and his hope that the media

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would not learn that they had been passed to the USG.

Comment

¶11. (C) We will translate and digest the case documents as soon as possible to pave the way for Agent Vu's travel to Habiganj, perhaps as early as next week. Meeting with Quaiyum would be significant since his refusal thus far to confess and his incommunicado status suggest to some he has knowledge of senior BNP leadership involvement in the attack. Cynics, like the Kibria family, might argue that if the BDG actually allows Vu to meet with Quaiyum, it would mean that he and the BDG have come to an understanding. In either event, the turnaround in BDG responsiveness is striking. Compared to our prior meetings, this time BDG officials -- especially the new participants -- were informative and constructive.

¶12. (C) By local standards, the police appear to have done some solid work in quickly identifying and building a case against Kibria's killers, which underscores our view that the police can solve such cases when told to do so. That they consider the case closed, and thereby reject the notion of a VIP mastermind, is not surprising. As is customary in Bangladesh, confessions in this case are central to the investigation and prosecution of suspects. According to the legal adviser, there is no legal provision for recanting or modifying a confession and any attempt by a defendant to do so is viewed as duplicity.

THOMAS